

REMARKS

Claims 1-31 are present in the above-captioned application and have been subjected to restriction under 35 U.S.C. §121. Specifically, the Official Action avers that the application contains claims directed to the following patentably distinct species of the claimed invention:

- I. The hanger depicted in Fig. 1;
- II. The hanger depicted in Fig. 1a;
- III. The hanger depicted in Fig. 1b;
- IV. The hanger depicted in Fig. 2;
- V. The hanger depicted in Fig. 5;
- VI. The hanger depicted in Fig. 6;
- VII. The hanger depicted in Fig. 7; and
- VIII. The hanger depicted in Fig. 8.

It is the Examiner's position that the inventions listed above are distinct from each other. The Office Action alleges that no claim is generic.

In response to the Examiner's requirement for restriction, Applicant provisionally elects, **with traverse**, to prosecute the subject matter of Claims 1-3, 5-15, 25-26 and 29-31, directed to species IV, Figure 2. Applicant reserves the right under 35 U.S.C. § 121 to file one or more divisional applications directed to the non-elected claims in this application.

Pursuant to 37 C.F.R. §§1.111 and 1.143, Applicant hereby traverses the Examiner's requirement for restriction and requests reconsideration thereof in view of the following remarks. Claims to be restricted to species must be defined by mutually exclusive characteristics. See,

M.P.E.P., 8th Ed., Rev. 2, § 806.04(f). In order to be mutually exclusive, claims must recite features found in one species, but not another, while other claims must recite features found in a second species, but not the first. However, the species as defined in the Office Action are not mutually exclusive. For example, claim 1 reads on at least species I-IV and VII. Therefore, claims embodying each species are not mutually exclusive, and do not meet the test required of species restrictions. Favorable reconsideration and withdrawal of the restriction requirement is kindly requested.

Moreover, Applicant respectfully traverses the indication that no claim is generic. Specifically, claims 25 and 29-31 read generically on all species, as they are identified in the Office Action and above. Therefore, if the Examiner maintains the restriction requirement, either as presently formulated or in a modified form, upon allowance of claims 25 and 31, Applicant respectfully requests rejoinder of all claims, per 37 C.F.R. § 1.146.

In view of the foregoing, an examination on the merits of the elected claims, at an early date, is earnestly solicited, however, it is respectfully urged that the Examiner reconsider and withdraw the requirement for restriction and provide an action on the merits with respect to all the claims.

Respectfully submitted,



David J. Torrente
Registration No. 49,099

Scully, Scott, Murphy & Presser
400 Garden City Plaza – Suite 300
Garden City, New York 11530
Phone: (516) 742-4343
Fax: (516) 742-4366

FSD/DJT:ar/vh